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July 9, 2012

Ms. Frankie Hampton
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Via email: fhampton@fec.gov
First Class Mail

RE: MUR 6566

Dear Ms. Hampton:

Enclosed is the Response by Lisa Wilson-Foley, William Kolo and the Lisa Wilson-Foley Congress Committee to the above referenced MUR.

If the Commission requires any additional information, please contact me.

Thank you for your assistance with this matter.

Sincerely,

Benjamin S. Proto, Jr.

Benjamin S. Proto, Jr.

Enc.

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**Lisa Wilson-Foley and
Lisa Wilson-Foley for Congress
Committee**

JULY 9, 2012

On May 3 2012, the Federal Election Commission (FEC) received a Complaint (Complaint) from Michael Clark (Clark) and the Clark for Congress Campaign (Clark Committee) which purports to allege that certain alleged actions by Lisa Wilson-Foley (LWF) and the Lisa Wilson-Foley for Congress Committee (Committee), and William M. Kolo (Kolo) as Treasurer of the Committee, and also by Apple Health Care, Inc. (Apple) and John Rowland (Rowland) could constitute " possible violations of Federal Election law under the Commission's jurisdiction". The Complaint purports to allege: (1) that there may have been a violation of Federal law by the Committee in failing to report as contributions to it the payments made by Apple to Rowland for services that may have benefit the campaign, alleging potential violations 11 CFR 102.8 – 102.10 and (2) any payments by Apple to Rowland for campaign activities would be a violation of 11 CFR 114.2.

The Lisa Wilson-Foley for Congress committee was formed on April 5, 2011, and the FEC Form 1 was received by the Federal Election Commission (FEC) on April 7, 2011.

The statements made in the Complaint are based on third party newspaper accounts, internet blog statements (which carries no editorial oversight or sourcing requirements) and hearsay from a competitor candidate about an alleged conversation that took place during the 2010 election cycle. The Complaint makes no allegation of wrong doing by any Respondent, as is required by Regulation. Based on the complete lack of any allegations which meet the requirements that the Complaint contain "clear and concise recitation of the facts which describe a violation of a statute or regulation over which the Commission has jurisdiction", the Complaint should be dismissed for its failure to set forth any prima facie evidence or facts which purport to show a violation of any federal election law.

1. THE COMPLAINT FAILS TO ALLEGE ANY VIOLATION OF THE FEDERAL ELECTION LAWS AND AS SUCH, MUST BE DISMISSED.

The Complaint sounds in six (6) paragraphs, none of which sets forth any violation of any provision of the Federal Election law, and, in fact, shows that the action of the Committee was in keeping with the law.

In Paragraph 1 of the Complaint, the Complaint cites a newspaper article that reports that Rowland "has recently been involved in a private business relationship with Apple Health Care", describing Rowland's work for Apple in a "consulting capacity".

The Complaint goes on to state that the Committee spokesman said that Rowland was "volunteering his time" for the Committee.

Paragraphs 2 & 3 of the Complaint again cite to newspaper stories in which certain of Rowland's volunteer activities are set forth.

Paragraph 4 simply states that "...Mr. Rowland has worked as the afternoon co-host of a politically themed radio show ...". The Complainant was kind enough to inform the Commission of Mr. Rowland's employment, but it does not raise, either explicitly or implicitly any alleged violation of the Federal Election laws.

Paragraph 5 of the Complaint has to do with an issue involving another Congressional Candidate from the 2010 election cycle, and has nothing to do with any of the Respondents in this matter.

Paragraph 6 alleges that the Committee has not listed Rowland's as a paid employee, consultant or vendor to the campaign, even though the Complaint, in Paragraphs 2 & 3 sets forth that Rowland was a "volunteer" to the campaign.

In the six (6) paragraphs, the Complaint simply does not set forth any allegation of any purported violation of the federal election laws, in fact, the Complaint shows that the Respondents acted in appropriate manner which is fully consistent with federal law.

The Complaint fails to comply with the requirements of 11 CFR 111.4(d)(3) which requires the Complaint to "... contain a clear and concise recitation of the facts which describe a violation of a statute or regulation over which the Commission has jurisdiction".

This Complaint is wholly lacking in any such recitation of facts. The Complaint, by its own words, purports to state "possible violations" of federal election law; it is based on information not known directly to the Complainant, but rather is gleaned from media sources and hearsay.

The Complaint is simply insufficient in its drafting to constitute a complaint upon which the Commission can act.

The lack of any allegation in the Complaint should subject the Complaint to immediate dismissal by the Commission.

**2. AN INDIVIDUAL IS ALLOWED TO VOLUNTEER THEIR TIME TO A CAMPAIGN
AND THE TIME IS NOT CONSIDERED AN EXPENDITURE OR A
CONTRIBUTION FOR FEDERAL ELECTION LAW PURPOSES**

In the event the Commission believes the Complaint to sufficiently comply with the provisions of 11 CFR 111.4, the Commission should still dismiss the Complaint because there is not requirement that the Committee report, as an expenditure, the volunteer time of any individual, including John Rowland.

11 CFR 100.74 clearly states that "[t]he value of services provided without compensation by any individual who volunteers on behalf of a candidate or political committee is not a contribution".

The Complaint, by its own words, purports to offer that John Rowland was volunteering his time to the Committee, an act that is not considered a Contribution by Rowland, and as such not reportable as a Contribution.

In addition the act of "volunteering" is one in which the individual who is "volunteering" their time has no expectation of getting paid. Therefore, if there is no expectation of payment and no payment is made by the Committee, than no reporting of the non-payment is required. There is no expenditure or disbursement by the Committee as defined in 11 CFR 100.110(a), which states an expenditures "...includes payments, gifts or other things of value..".

Since there was no expenditure by the Committee to Rowland, no expenditure need be reported.

The Committee, Kolo and Wilson-Foley were not required to report, as an expenditure, Rowland's volunteer time, and as such, their not reporting it is not a violation of any provision of the Federal Election Laws.

Because the Committee was not require to report the volunteer time of Rowland, or any other person volunteering time to the Committee, the Committee could not have violated the reporting provisions of the Federal Election Laws by failing to report as a contribution Rowland's volunteer time, nor did they violation the Federal Election Laws by not reporting as an expenditure Rowland's volunteer time.

There is no violation of the reporting requirements and as such, the Complaint must be dismissed.

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3. PAYMENTS BY APPLE TO ROWLAND FOR A "PRIVATE BUSINESS RELATIONSHIP" BETWEEN APPLE AND ROWLAND ARE NOT A REPORTABLE CONTRIBUTION OR EXPENDITURE BY THE COMMITTEE.

The Complaint attempts to allege that, because Rowland was engaged in a "private business relationship" with Apple (Paragraph 1 of the Complaint) that any payments made by Apple to Rowland for work performed by Rowland for Apple, are somehow a contribution by Apple to the Committee.

That is simply not the law, and as such, and for no other reason, that portion of the Compliant must be dismissed.

There is simply no prohibition against an individual volunteering their time to a campaign when they are employed, in any capacity, by any business entity. What a person does on their own time is just that, their own time. There is no allegation made that Rowland was volunteering his time when he was supposed to be working for Apple. There is no allegation that Rowland used any Apple equipment or services when he volunteered his time. There is no allegation as to when Rowland allegedly volunteered his time. There is no allegation that Rowland did not perform any services for Apple. There isn't even an allegation that Apple paid Rowland to work on the campaign. There is simply no allegations made that allege any violation of any law as it relates to John Rowland volunteering his time to the Committee.

The only thing stated in the Complaint is that an internet blog stated that Rowland made calls to "a particular delegate" (meaning one delegate). There is nothing stated as to when the calls was made, either day or time of day, or even if Rowland was still involved in the "private business relationship" with Apple when the calls were made.

Again, the Complaint is completely lacking in any allegation or specificity which would raise this to a Complaint which should move forward. The lack of any specificity of allegation necessitates that the Complaint be dismissed with prejudice as quickly as possible.

CONCLUSION

The Complaint fails to allege any act by any entity, including Lisa Wilson-Foley as a Candidate for Federal Office or the Lisa Wilson-Foley for Congress Committee, or William Kolo, which violates any provision of the Federal Election laws. Therefore, the all of the allegations in the Complaint of Michael Clark should be **DISMISSED**.

Respectfully submitted

The Respondents

Benjamin S. Proto, Jr.

Benjamin S. Proto, Jr.

Counsel for:

Lisa Wilson-Foley

William M. Kolo

Lisa Wilson-Foley for Congress Committee